

Revised Sept. 7, 2012. .

CA HSRA Directors:

Your blended rail plan is **dangerous**.

- It locks in 43 grade crossings for pedestrians, cars, and trucks – an invitation to accidents and to the demented, and consequent delays.
- As trains whiz by, Caltrain passengers stand unprotected on station platforms inches away.

It's far too hazardous for trains at high speeds.

The plan is **costly**.

- Caltrain modifications.
- Subway tunneling in San Francisco.
- Terminal facilities (station, yard, shop, etc.) in a high rent district.
- Future trans-Bay train tube for extension to Sacramento???

Safer, and much less costly: Amtrak route (UP L/D Lines) north from Santa Clara (via Mulford) to a new West Oakland intermodal station where BART crosses over the UP/Amtrak line:

- None of the above high cost items;
- Simple Caltrain conversion to BART;
- A shorter, straighter, and safer route for Capitol Corridor;
- Enhanced SF/Peninsula rail access to Sacramento;
- BART every few minutes to 4 downtown SF stations and the West Bay;
- Frequent BART to many East Bay stations.

Upgrade (i.e., grade separate, multi-track, securely fence) the Mulford and East Bay rail lines for HSR as part of a 5-County BART plan.

### What about Caltrain?

The comprehensive 1957 SFBARTC "Report to the Legislature" called for unified regional rapid transit under one management (including to San Jose and around the Bay). Five years later, a super-majority of voters in three counties bonded themselves in 1962 for \$792 million to build a then-unproven BART system. (The bonds were paid off by 1999.)

As requested by San Mateo and Santa Clara Counties, BART has extended to Millbrae, is under construction to Berryessa, and is ill-planned to downtown San Jose and the Santa Clara Caltrain station (by San Jose's Mineta International Airport).

It's time to update the 1957 Report: convert Caltrain (Millbrae to Santa Clara) to BART and abandon the rest. About 25 miles would be at grade beside the UP freight main with about 10 new overpasses, but about 5 miles (in Burlingame-San Mateo, Redwood City, and Atherton-Menlo Park) would likely be in a depressed cut bridged by city streets.

### 5-County BART

Let's develop a balanced 5-County plan to fund these Caltrain changes; the Mulford line upgrade; a new West Oakland BART-HSR intermodal station; and BART extensions: through San Jose, to the Golden Gate and Carquinez bridges, to Brentwood, and over the Altamont generally along the former SP rail line.

Let the voters decide on the plan and funding, as they did for the original BART fifty years ago. (Adjusted for inflation and the 5-County population, a bond issue equivalent to BART's in 1962 should yield about \$16 billion.) 5-County BART appears financially feasible. Linked to High Speed Rail, it would eliminate many of the congestion and environmental concerns we face today.



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Life Member, American Railway Engineering and Maintenance of Way Association (AREMA)

December 6, 2012

Public Comment for Executive Board Meeting, CEO Jeff Morales, Chief Counsel Thomas Fellenz, and Real Property Director Patricia L. Jones for C.H.S.R.A.

Written and made by: Concerned private citizen

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Please feel free to circulate this Public Comment to Governor Jerry Brown, State Treasurer, Office of the Attorney General, Editorial desks: Sacramento Bee, Fresno Bee, Los Angeles Times, and San Francisco Chronicle

Thursday, December 6, 2012; this is an appeal to High Speed Rail "Authority", a Public Agency and its Executive Board of Directors (for all of them, jointly) "to do the right thing" urging the "Authority" to "select" small business/minority owned/disabled veteran/disadvantaged business enterprises only as finalists "bidders" for remaining \$34 RFP HSR 11-02 Right of Way Acquisition/Appraisal Services; and ultimately only select one or more of these small business firms! Particularly due to the fact that this represents "remaining work" non-Construction Work on Phase I 'ICP portion of 80-130 miles' essentially Madera to Bakersfield "the non-electrified portion of the High Speed Rail line"; due to the fact that Bender Rosenthal, Inc., Sacramento, CA was given 'a non-bid \$18Million "Advanced Services Contract in January, 2012", 'only disclosed in casual remarks contained within that Months "Executive Summary to the Board" to the Executive Board of Directors by

then CEO, Roelof van Ark, in his Executive Summary at the end of the meeting. No board vote taken.

It would not look like a “fair and competitive and transparent RFP” to the PUBLIC on this RFP HSR 11-02 originally “rolled out by Authority Staff to the Executive Board by Patricia Jones (more than one year ago, August, 2011 at a regularly scheduled Executive Board Meeting in Sacramento, CA. Incidentally, this was called ‘an Emergency Resolution then labeled HSR 11-20’.

Accordingly, now in December 2012, “if” **instead, the Authority and this Executive Board ignore** all of the exemplary efforts and RFP bid’s due November 15, 2012 at 4p.m. of Small Business/MBE/DVBE/DBE and various Unions all fully supporting High Speed Rail construction in the Central Valley and the critical need and the clamoring for jobs in the local economy and participation, by this large group of voters, in this important Transportation Project throughout the State of California; “then” the PUBLIC, including small business owners and impacted Unions will neither be amused nor appreciate such “misdirection” by California High Speed Rail Authority!

Additionally, all of these small businesses at their own \$expense and time made their honorable and timely made ‘request for proposal’, their respective RFP bid’s **without the \$2Million “carrot” unfairly offered and extended to the** usual already participating “closed group” of corporate project team partners “PMT” since 2006 **to merely encourage their respective RFP bid’s on HSR 11-02.** This “preferred group of Primes and sub-contractors” → includes, but is not limited to: D.O.T., i.e. Caltrans, Bender Rosenthal, Inc. and Associated Right of Way

Services, the latter two both linked to Prime Consultants Parsons Brinckerhoff, URS, ARUP, and AECOM Global. The joint select Legislative committee on Transportation as of July 6, 2012 was aware that the true recipients of nearly all of the \$hundreds of millions of planning and pre-construction "Consulting fees" were to be ultimately paid out of State/Federal funds advanced out the \$6.3Billion for phase I Construction. All of that money has gone to these limited few 'preferred vendors' of Caltrans and by extension the Authority, headed now by former Executive Director of Caltrans District, namely Jeffrey Morales, CEO and management board of director's member.

Opinions of the Author observing actions taken of the C.H.S.R.A. Executive Board at Public Meetings and information posted to their Web Site. C.H.S.R.A. and interactions with the Staff, individually since May 2011.

1 attachment article - from the Contra Costa Times



TALK SET FOR TUESDAY

# Author: Public can level playing field

Writer examines legal loopholes that companies exploit

By April M. Short  
Correspondent

In his late teens, David Cay Johnston began asking a lot of questions.

"Why do we have these guys in uniforms with guns driving around in cars all day? Why is the Santa Cruz County Courthouse being built in such an unusual shape?"

He wrote an article, while still living in his birth town of Santa Cruz, proving that the off-kilter courthouse design, which officials had promised would save money, actually cost more than a more conventional building.

Johnston is now 68 and the president of Investigative Reporters & Editors (IRE). He once tracked down a killer the Los Angeles Police Department couldn't catch.

He is a Reuters columnist, 13-year veteran of The New York Times and won a Pulitzer Prize in 2001 for reporting that exposed inequities in the U.S. tax code. He wrote

"How can 90 percent of people's incomes be slipping while corporations are making money hand over fist?"



—David Cay Johnston,  
author of "The Fine Print"

the best-selling tax books "Perfectly Legal," which won an IRE medal, and "Free Lunch."

His latest book, "The Fine Print: How Big Companies Use 'Plain English' to Rob You Blind," illuminates the legal loopholes that make it possible for a handful of people to thrive while the rest struggle.

"How can 90 percent of people's incomes be slipping while corporations are making money hand over fist?" Johnston says this was the question that led him to write

## IF YOU GO

David Cay Johnston will talk about his book "The Fine Print" at 7:30 p.m. Tuesday at First Congregational Church of Berkeley, 2345 Channing Way. Tickets cost \$12 in advance, \$15 at the door. Details: [www.brownpapertickets.com/event/291008](http://www.brownpapertickets.com/event/291008)

## "The Fine Print."

The book offers an answer: There are a multitude of rules and regulations in place that act to redistribute wealth upward. It reveals the numerous means by which major corporations work with the government to relax the rules and rewrite regulations to their benefit, at the cost of the consumer, and without the consumer's knowledge.

Johnston will discuss "The Fine Print" on Tuesday at the First Congregational Church of Berkeley, 2345 Channing Way, sponsored by KPFA 94.1-FM radio.

Johnston says most of the information in his book is not available via Google search, as the news media simply has not covered these issues.

"Not the mainstream, not

the alternative media," he says. "This is four years of original reporting about the reason your job doesn't pay more, you're not doing well, and this handful of people is doing so well."

A large part of "The Fine Print" dissects shortcomings across the nation's public infrastructure, from Truman- and Eisenhower-era public utilities, to our 26th-in-the-world Internet speed ranking.

Johnston recalls the San Bruno gas pipeline explosion of 2010 that sent 1,000-foot flames into the air, destroyed dozens of homes and killed eight people. Despite events like this one, he says, nobody thinks about pipelines.

Johnston notes that the corporations that own the pipelines have formed essentially legal monopolies.

A pipeline laid when Truman was president or Eisenhower was president should be replaced, and we're not doing that," he says. "And the companies that own these pipelines are making huge money."

In fact, visit the Forties "400 Richest People in America" list online from any

given year, and the source of wealth for many listed is "pipelines."

"Infrastructure is what makes things work," Johnston says. "And we're not figuring out how we maintain the public furniture so that our society endures."

Another section of "The Fine Print" explains how corporations bill consumers extra fees, keep money that should not be theirs, and do so legally.

"Take a look at your pay stub," the book suggests, pointing out that workers in all but six states will see a deduction for state income taxes. "You probably expect that money to finance public schools, the state university and college system, law enforcement and the other services that businesses and individuals rely on. Mostly it does, but in a growing number of states, your state income taxes will also be increasing the profits of your employer."

So, how do you fight back against the wealth discrepancies Johnston's book lays out? He says it isn't easy, but it can be done.

"These companies aren't

stupid; they're very smart," he says. "They have lots of lawyers and lobbyists, and they are building (language) into the law protecting their profit positions and escaping the rigors of the competitive market. They're escaping the competitive market."

Johnston emphasizes this point because there are many who would call him a socialist or communist for criticizing corporations. The exact opposite, he argues, is true. "I believe in competitive markets," he says. "If there's any socialism going on here, it's the companies who are the socialists."

Johnston says one way to level the playing field is for individuals to join groups and take action.

"They were really abusing people," he says. "You could pay off your entire credit card, and they could charge you interest the next month anyway. They had the ability to unilaterally change your interest rate overnight. They could say, 'If your payment did not arrive by 10 a.m., we can collect a late fee.' They could do all sorts of things, and we're stopping those things."

## **From Federal Rail Administration (FRA) to APAC**

Good morning. We are sorry that we can't be there in person to meet you, but we appreciate the opportunity to present a few words.

The High-Speed Intercity Passenger Rail (HSIPR) Program was launched in 2008. Since its inception, Congress has appropriated \$10 billion for the program and we have obligated nearly 100 percent of all funds appropriated. We have targeted a substantial portion of these funds in five mega regions across the country, including the State of California where we are partnering with the State to build a world-class, one-seat ride, high-speed rail system connecting San Francisco with Los Angeles in less than three hours. Along with this substantial investment is widespread opportunity for participation by businesses of every shape and size.

We know that you want to capitalize on this momentum, but there are constraints. FRA does not have statutory authority to establish a Disadvantaged Business Enterprise (DBE) program. At present, Congress is considering granting FRA authority to establish a DBE program.

Despite not having a DBE program, we have taken a number of steps to ensure the greatest possible opportunity for small and disadvantaged businesses in the High Speed Rail Program. FRA's grant agreements strongly encourage use of small and disadvantaged businesses and refer to the regulations that govern the Federal Highway Administration's and Federal Transit Administration's DBE programs as acceptable methods to follow.

FRA's Office of Civil Rights is working with all HSIPR Program grant recipients about their plans to comply with the grant clause that stipulates equal opportunity in contracting. Recipients with state laws requiring small, minority and/or disadvantaged business programs are using their state law programs. Recipients without such programs have adopted some measures to ensure small and disadvantaged business utilization. In fact, we maintain on-going communication with the Authority to ensure that all small businesses and especially DBEs are included in all parts of this historic project.

Our office continues to provide technical assistance and conduct outreach to grant recipients and to small and disadvantaged businesses. We have attended meetings across the country to discuss contracting opportunities under the HSIPR program. We have received support and assistance from the Office of Small and Disadvantaged Business Utilization in the Office of the Secretary of Transportation and from others in the Department.

We have asked the States and their primes to implement "Best Practices" to ensure Small and Disadvantaged Business participation in High Speed Rail Projects. These practices include such things as: outreach to small and disadvantaged businesses, contract unbundling if reasonable and mentoring between primes and small and disadvantaged subcontractors.

There is consensus that many opportunities exist for small businesses to benefit from FRA-funded projects. But as small businesses, you also need to bid on contracts, make contact with prime businesses and sell yourself and your business. Today is an excellent opportunity for you to do that. Some of the shortlisted firms for the first construction phase of the California project

are here and available to meet you and talk with you about the project and to hear how you and your company can help their project teams compete for and complete this historic project.

We are holding our state partners accountable to ensure fairness in contracting both with prime contractors, and those with whom they subcontract. We are committed to creating good paying jobs and developing opportunities for businesses like yours to succeed.

We look forward to working with you. Please visit our website at [www.fra.gov](http://www.fra.gov) for more details about the high-speed rail program and how your company might be able to participate.  
Thank you,

Calvin Gibson and Rosanne Goodwill – FRA Office of Civil Rights

**\*These comments were sent to APAC and read yesterday at APAC's Business Conference in San Francisco, CA December 5, 2012**